Not in TPL

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

VICESIMO OCTAVO.

At the Parliament begun and holden at *Weſtminſter*, the Eighteenth Day of *May Anno Domini* 1784, in the Twenty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Twenty-ſeventh Day of *November* 1787; being the Fifth Seſſion of the Sixteenth Parliament of *Great Britain.*

LONDON:
Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1788.

ANNO VICESIMO OCTAVO

Georgii III. Regis.

CAP. XXXV.

An Act to enable His Majeſty to make ſuch Regulations as may be neceſſary to prevent the Inconvenience which might ariſe from the Competition of His Majeſty's Subjects and thoſe of the Moſt Chriſtian King, in carrying on the Fiſhery on the Coaſts of the Iſland of *Newfoundland*.

Preamble.

Treaty of *Utrecht* recited.

WHEREAS, by the Thirteenth Article of the Treaty concluded at Utrecht on the Fourth Day of April, New Stile, in the Year of our Lord One thouſand ſeven hundred and thirteen, between her late Majeſty Queen Anne and the Moſt Chriſtian King Louis the Fourteenth, it was, among other Things, agreed, That the Iſland called Newfoundland, with the adjacent Iſlands, ſhould, from that Time forward, belong of Right wholly to Britain, and to that End the Town and Fortreſs of Placentia, and whatever

other Places in the ſaid Iſland were in the Poſſeſſion of the French, ſhould be yielded and given up, within Seven Months from the Exchange of the Ratification of that Treaty, or ſooner if poſſible, by the Moſt Chriſtian King, to thoſe who had a Commiſſion from the Queen of Great Britain for that Purpoſe; nor ſhould the Moſt Chriſtian King, his Heirs or Succeſſors, or any of their Subjects, at any Time thereafter, lay Claim to any Right to the ſaid Iſland and Iſlands, or to any Part of them; moreover, it ſhould not be lawful for the Subjects of France to fortify any Place in the ſaid Iſland of Newfoundland, or to erect any Buildings there, beſides Stages made of Boards, and Huts neceſſary and uſeful for drying of Fiſh, or to reſort to the ſaid Iſland beyond the Time neceſſary for fiſhing and drying Fiſh: That it ſhould be allowed to the Subjects of France to catch Fiſh, and to dry them on Land, on that Part only, and in none other beſides that Part of the Iſland of Newfoundland, which ſtretches from the Place called Cape Bonaviſta, to the Northern Point of the ſaid Iſland, and from thence running down by the Weſtern Side, and reaches as far as the Place called Cape Riche: And whereas, by the Fifth Article of the Treaty of Peace, concluded at Paris on the Tenth Day of February One thouſand ſeven hundred and ſixty-three, between his Majeſty and the late Moſt Chriſtian King Louis the Fifteenth, and his Moſt Catholick Majeſty, it was, among other Things, agreed, that the Subjects of France ſhould have the Liberty of fiſhing and drying on a Part of the Coaſt of the Iſland of Newfoundland, ſuch as is ſpecified in the Thirteenth Article of the Treaty of Utrecht, which Article is confirmed and renewed by the preſent Treaty: And whereas, by the Fifth Article of the Definitive Treaty of Peace, concluded at Verſailles, between his Majeſty and the Moſt Chriſtian King, on the Third Day of September One thouſand ſeven hundred and eighty-three, it was, among other Things, agreed, That his Majeſty, the King of Great Britain, ſhould be maintained in his Right to the Iſland of Newfoundland, and to the adjacent Iſlands, as the Whole were aſſured to him by the Thir-

Treaty of *Paris* recited.

Treaty of *Verſailles* recited.

teenth Article of the Treaty of Utrecht, excepting the Islands of Saint Pierre and Miquelon, which were ceded in full Right, by the said Treaty of the Third Day of September One thousand seven hundred and eighty-three, to His Most Christian Majesty; and that His Majesty, the Most Christian King, in order to prevent the Quarrels which had before then arisen between the Two Nations of England and France, consented to remove the Right of Fishing which belonged to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape Saint John, situated on the Eastern Coast of Newfoundland, in Fifty Degrees North Latitude, and His Majesty the King of Great Britain consented, on his Part, that the Fishery assigned to the Subjects of his Most Christian Majesty, beginning at the said Cape Saint John, passing to the North, and descending by the Western Coast of the Island of Newfoundland, should extend to the Place called Cape Rage, situate in Forty-seven Degrees and Fifty Minutes Latitude: The French Fishermen should enjoy the Fishery which was assigned to them by the said Article, as they had the Right to enjoy that which was assigned to them by the Treaty of Utrecht: And whereas, by a Declaration delivered by His Majesty's Ambassador Extraordinary to his Most Christian Majesty, bearing Date also on the said Third Day of September One thousand seven hundred and eighty-three, His Majesty engaged not only to insure the Execution of the last-mentioned Treaty with his known good Faith and Punctuality, but to give all possible Efficacy to such Principles as may prevent Dispute; and, that the Fishermen of the Two Nations may not give Cause for daily Quarrels, was pleased to engage that he would take the most positive Measures for preventing his Subjects from interrupting in any Manner, by their Competition, the Fishing of the French, during the temporary Exercise thereof which is granted to them upon the Coasts of the Island of Newfoundland, and that he would, for that Purpose, cause the permanent Settlements which should be formed there to be removed; and that he would give Orders that the French Fishermen should not be incom-

Declaration of the *French* King of *Sept.* 3, 1783, recited.

moded in the cutting of Wood neceſſary for the Repair of their Scaffolds, Huts, and Fiſhing Boats; and that the Thirteenth Article of the Treaty of Utrecht, and the Method of carrying on the Fiſhery which had at all Times been acknowledged, ſhould be the Plan upon which the Fiſhery ſhould be carried on there, and that it ſhould not be deviated from by either Party, the French Fiſhermen building only their Scaffolds, confining themſelves to the Repair of their Fiſhing Veſſels, and not wintering there; the Subjects of His Britannick Majeſty, on their Part, not moleſting in any Manner the French Fiſhermen during their Fiſhing, nor injuring their Scaffolds during their Abſence: And whereas it is expedient, in Conformity to the Definitive Treaty of Peace and the Declaration aforeſaid, that His Majeſty's Subjects ſhould be prevented from interrupting in any Manner, by their Competition, the aforeſaid Fiſhery of the Subjects of his Moſt Chriſtian Majeſty, during the temporary Exerciſe thereof which is granted to them on the Coaſt of Newfoundland; and that all permanent Eſtabliſhments on that Part of the Coaſt allotted to the French Fiſhermen ſhould be removed; and that ſuch Fiſhermen ſhould be in no Manner moleſted, contrary to the Tenor of the ſaid Treaty, and the good Faith thereof: In order, therefore, that His Majeſty may be the better enabled to carry the ſaid ſeveral Treaties and Declarations into faithful and punctual Execution, and to make ſuch Regulations as may be expedient, reſpecting the Fiſhery, in the Manner herein-after mentioned, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, by Advice of Council, from Time to Time, to give ſuch Orders and Inſtructions to the Governor of Newfoundland, or to any Officer or Officers on that Station, as he or they ſhall deem proper and neceſſary to fulfil the Purpoſes of the Definitive Treaty and Declaration aforeſaid; and, if it ſhall be neceſſary to that

His Majeſty, by Advice of Council, may give ſuch Orders to the Governor of *Newfoundland*, &c. as ſhall be deemed proper to fulfil the Purpoſes of the Treaty of *Verſailles*, and

7 End,

End, to give Orders and Inſtructions to the Governor, or other Officer or Officers aforeſaid, to remove, or cauſe to be removed, any Stages, Flakes, Train Vatts, or other Works whatever, for the Purpoſe of carrying on Fiſhery, erected by His Majeſty's Subjects on that Part of the Coaſt of Newfoundland which lies between Cape Saint John, paſſing to the North, and deſcending by the Weſtern Coaſt of the ſaid Iſland to the Place called Cape Rage, and alſo all Ships, Veſſels, and Boats, belonging to His Majeſty's Subjects, which ſhall be found within the Limits aforeſaid, and alſo, in caſe of Refuſal to depart from within the Limits aforeſaid, to compel any of His Majeſty's Subjects to depart from thence; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding. the Declaration of the *French* King, above recited.

II. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe, upon Requiſition made by the Governor, or any Officer or Officers acting under him, in purſuance of His Majeſty's Orders or Inſtructions as aforeſaid, to depart from within the Limits aforeſaid, or otherwiſe to conform to ſuch Requiſition and Directions as ſuch Governor, or other Officer as aforeſaid, ſhall make or give, for the Purpoſes aforeſaid, every ſuch Perſon or Perſons ſo refuſing, or otherwiſe offending againſt the ſame, ſhall forfeit the Sum of Two hundred Pounds, to be recovered in the Court of Seſſion, or Court of Vice Admiralty in the ſaid Iſland of Newfoundland, or by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter; One Moiety of ſuch Penalty to belong to His Majeſty, His Heirs and Succeſſors, and the other Moiety to ſuch Perſon or Perſons as ſhall ſue or proſecute for the ſame: Provided always, that every ſuch Suit or Proſecution, if the ſame be commenced in Newfoundland, ſhall be commenced within Three Months, and if commenced in any of His Majeſty's Courts of Record at Weſtminſter, within Twelve Months, from the Time of the Commiſſion of ſuch Offence. Perſons refuſing to conform to the Directions of the Governor, to forfeit 200*l.* How Penalties are to be recovered and applied. Limitation of Suits.

FINIS.